

ESTTA Tracking number: **ESTTA705346**Filing date: **10/29/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Lucid Brewing llc / dba Inbound Brewco		
Entity	LLC	Citizenship	MN
Address	6020 Culligan Way Minnetonka, MN 55345 UNITED STATES		

Correspondence information	Eric Biermann President Lucid Brewing llc / dba Inbound Brewco 6020 Culligan Way Minnetonka, MN 55345 UNITED STATES eric.biermann@lucidbrewing.com Phone:612-810-9324
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Applicant Information

Application No	86712854	Publication date	10/20/2015
Opposition Filing Date	10/29/2015	Opposition Period Ends	11/19/2015
Applicant	Smokehouse Brewpub, LLC 2716 East 38th Street Minneapolis, MN 55406 UNITED STATES		

Goods/Services Affected by Opposition


Class 032. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Beer

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Belief that Smokehouse Brewpub, LLC filed Inbound in bad faith once they became aware of the marketing, advertising and branding efforts of Lucid Brewing, LLC with Inbound Brewco and that there is no intent on their part to use the name Inbound.

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86721936	Application Date	08/11/2015
Registration Date	NONE	Foreign Priority	NONE

		Date	
Word Mark	INBOUND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2015/05/08 First Use In Commerce: 2015/07/24 Beer		

Attachments	86721936#TMSN.png(bytes) Notice of Opposition.pdf(1520708 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Eric Biermann/
Name	Eric Biermann
Date	10/29/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 86712854
For the mark "INBOUND"
Published in the Official Gazette on October 20, 2015

Lucid Brewing, LLC
v.
Smokehouse Brewpub, LLC

NOTICE OF OPPOSITION

Lucid Brewing, LLC, a Minnesota Limited Liability Company;
Located at 6020 Culligan Way, Minnetonka, MN 55345

The above-identified oppose believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1) Lucid Brewing, LLC, with the full intention of starting a new brand and opening a subsequent taproom in Minneapolis started marketing the name Inbound Brewco on May 8, 2015.

2) Lucid Brewing, LLC filed for an assumed name with the Minnesota Secretary of State on May 24, 2015. The file number is 827631900021. The file is active and in good standing with the Minnesota.

3) Lucid Brewing, LLC filed for the registered brand Inbound Brewco with the Alcohol and Tobacco Tax and Trade Bureau ("TTB") on May 24, 2015.

4) The TTB subsequently approved this filing on June 3, 2015. No brewing can legally be commenced prior to the TTB approving the brand as a trade name.

5) Once the trade name was approved by the TTB, pilot or initial batches of beer were brewed under the Inbound Brewco moniker the week beginning June 8, 2015.

6) The pilot batches of beer that were brewed during the week of June 8, 2015 were served during a pre-party on July 24, 2015.

7) There was an official launch party held at Lucid Brewing, LLC in Minnetonka on July 25, 2015 at which various merchandise displaying the Inbound Brewco brand and Inbound Brewco beer were available for purchase or were given away as part of the general ongoing marketing and branding of Inbound Brewco. Samples of the various merchandise labels are attached to this Notice of Opposition.

8) Subsequently, Lucid Brewing, LLC has purchased additional brewing equipment, secured a lease at 701 N 5th St., Minneapolis, MN 55401 and commenced build out at that location at significant expense in furtherance of the brand and in anticipation of opening Inbound Brewco in the first quarter of 2016.

9) Lucid Brewing, LLC has been actively marketing and advertising Inbound Brewco since May 8, 2015.

10) Lucid Brewing, LLC has been actively sampling and selling Inbound Brewco beer since July 24, 2015.

11) Smokehouse Brewpub, LLC did not file for a trademark with the United States Patent and Trademark Office until August 3, 2015 after it had learned about Lucid Brewing, LLC branding and marketing under Inbound Brewco.

12) Smokehouse Brewpub, LLC has taken no further actions or marketed under the Inbound name or brand since that filing.

13) Smokehouse Brewpub, LLC currently operates Northbound Smokehouse & Brewpub located at 2716 E 38th St, Minneapolis, MN 55406.

14) Lucid Brewing, LLC is of the belief that Smokehouse Brewpub, LLC filed Inbound in bad faith once they became aware of the marketing, advertising and branding efforts of Lucid Brewing, LLC with Inbound Brewco and that there is no intent on their part to use the name Inbound.

15) Lucid Brewing, LLC respectfully requests that registration of the mark shown in Application Serial No. 86712854 be refused and that this Opposition be sustained in favor of Lucid Brewing, LLC and their continued use of Inbound Brewco.

Dated: 10-29-2015

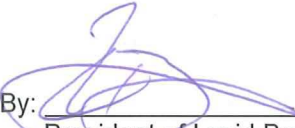
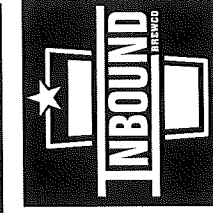
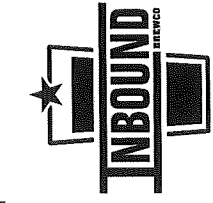
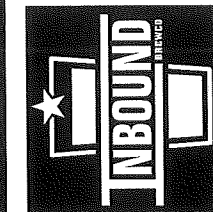
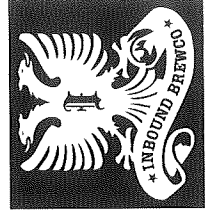
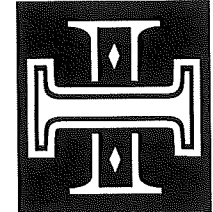
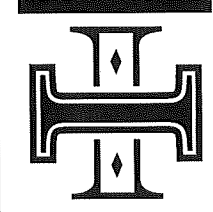
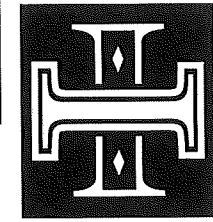
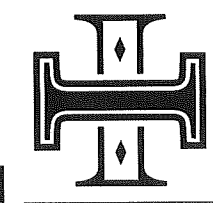
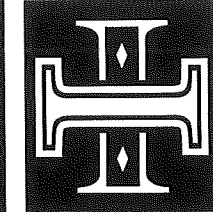
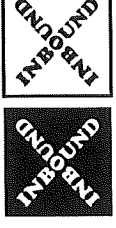
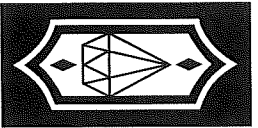
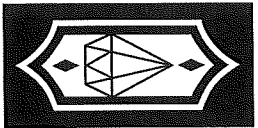
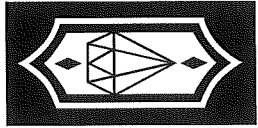
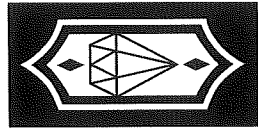
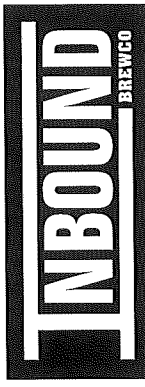
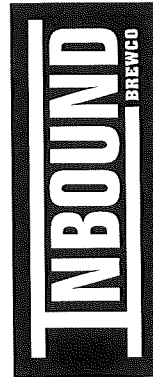
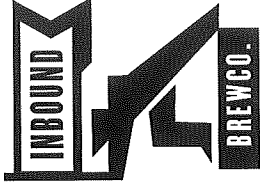
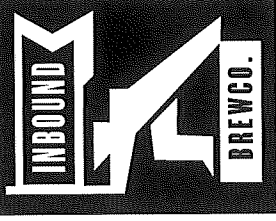
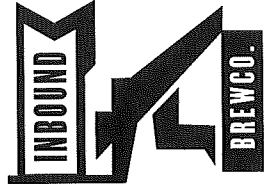
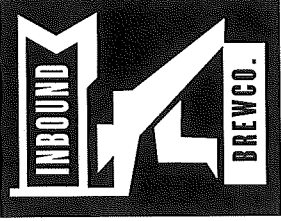
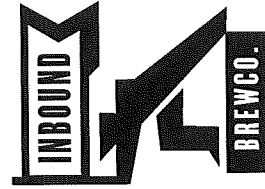
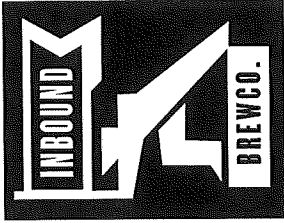
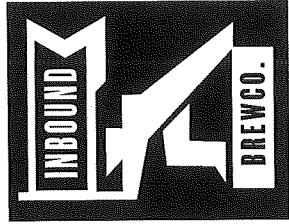
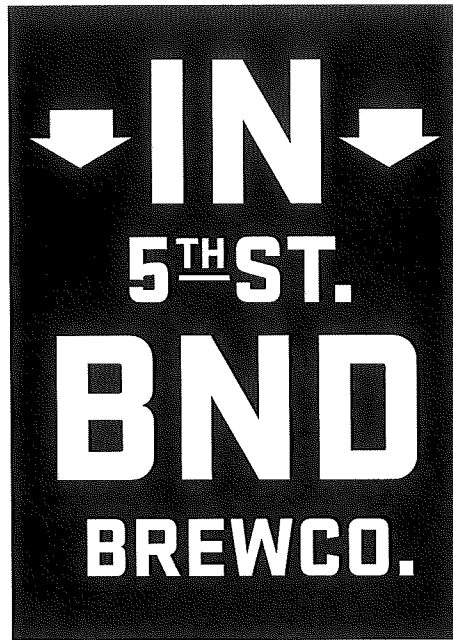
By: 
President of Lucid Brewing, LLC

EXHIBIT A

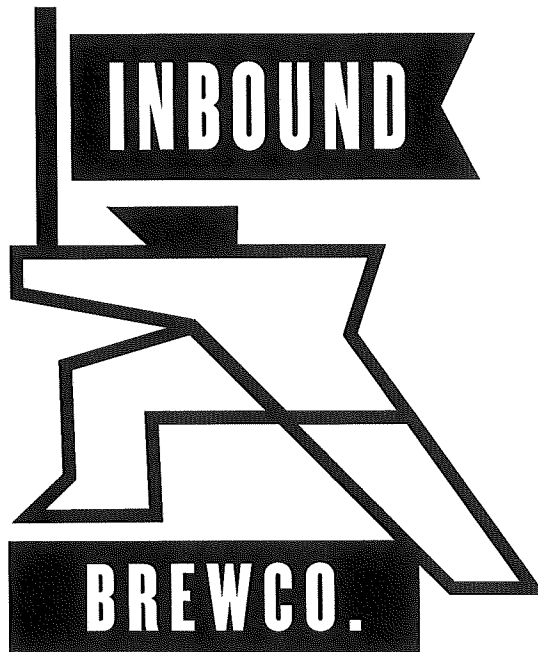
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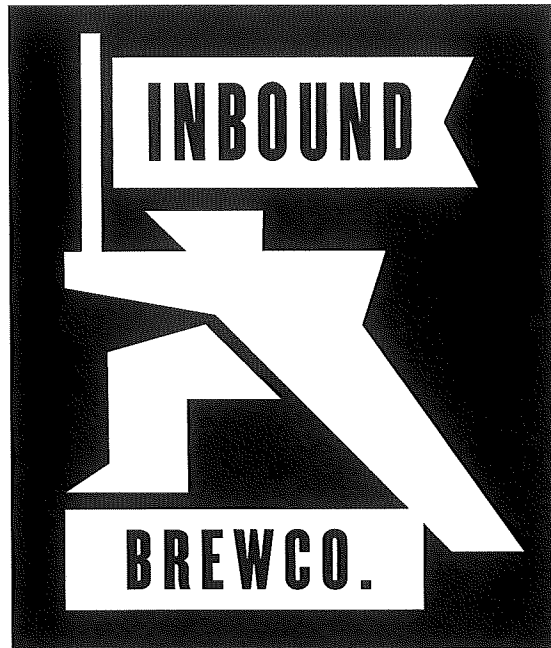
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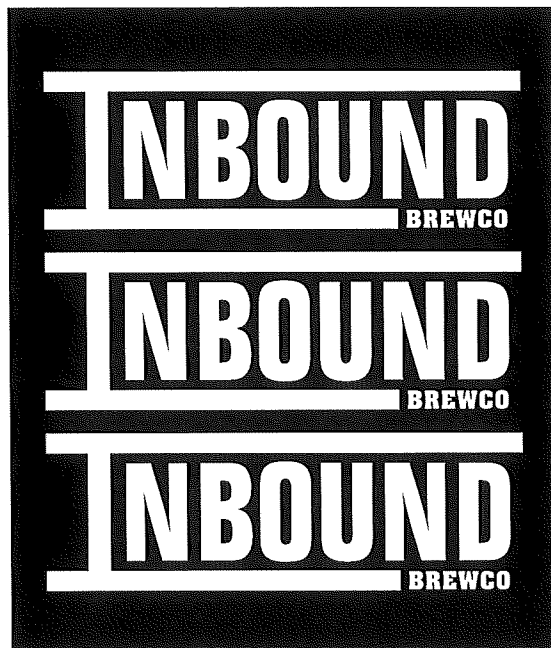
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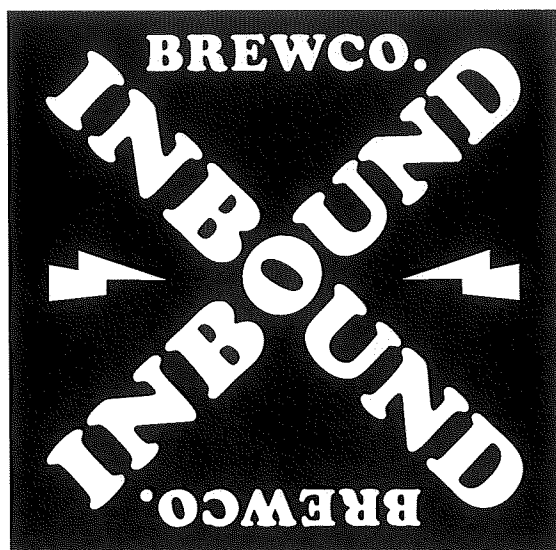
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SIDE 2
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SIDE 1
3X3.5



SIDE 2
3X3.5



